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Sam's West, Inc.*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DEVRA HANEY-WILLIAMS,

Plaintiff,

v.

SAM'S WEST INC., dba SAM'S PHARMACY
#10-4974,

Defendants.

Case No.: 2:17-cv-02900-JCM-EJY

STIPULATION AND ORDER
EXTENDING TIME TO FILE REPLY
BRIEFS TO PENDING MOTIONS [ECF
NOS. 136, 138, 139]

[SECOND REQUEST]

SAM'S WEST INC.,

Third-Party Plaintiff,

v.

JUBILANT CADISTA
PHARMACEUTICALS, INC., and DOES 1-10,
inclusive,

Third-Party Defendants.

Plaintiff DEVRA HANEY-WILLIAMS (hereinafter "Plaintiff"), Defendant/Third-Party Plaintiff SAM'S WEST, INC. (hereinafter "Sam's West"), and Third-Party Plaintiff JUBILANT CADISTA PHARMACEUTICALS, INC. (hereinafter "Jubilant") (collectively, "the Parties"), by and through their respective counsel of record, do hereby stipulate and jointly request that the court approve extensions of time for the parties to file Reply Briefs with respect to the following motions currently pending before this Court:

(1) Defendant Sam's West, Inc.'s Motion For Summary Judgment On The First Amended Complaint Filed By Plaintiff Devra Haney-Williams [ECF No. 136]

(2) Plaintiff's Motion To Strike Defendant's Expert Neal L. Benowitz, M.D. [ECF No. 138]

(3) Plaintiff's Motion for Summary Judgment [ECF No. 139]

The Parties previously filed three stipulations to extend the filing deadlines for oppositions the above motions. Pursuant to the Court's December 8, 2021 Order on most recent stipulation, Oppositions were to be filed by December 10, 2021 with Reply Briefs due on December 17, 2021. (*See* ECF No. 150).

On December 10, 2021, Sam's West filed its Opposition to Plaintiff's Motion for Summary Judgment (ECF No. 151) and Opposition to Plaintiff's Motion to Strike Neal L. Benowitz (ECF No. 152). The Docket Text included with the Notice of Electronic Filing for ECF Nos. 151 and 152 specifies the Reply Brief deadline as December 24, 2021.

On December 10, 2021 and December 13, 2021, Plaintiff filed Motions to Extend Time to file her Opposition to Sam's West's Motion for Summary Judgment. (ECF Nos. 153 and 154). On December 14, 2021, Plaintiff filed her Opposition to Sam's West's Motion for Summary Judgment. (ECF No. 156). The Docket Text included with the Notice of Electronic Filing for ECF No. 156 specifies the Reply Brief deadline as December 28, 2021.

In light of the conflicting due Reply dates set forth in the Notices of Electronic filing and the Court's December 8, 2021 Order (ECF No. 150), and counsel's travel plans for the upcoming holiday period, the parties stipulate that the deadlines for filing Reply Briefs to the above-referenced Motions (ECF Nos. 136, 138, and 139) shall be extended up to and through December 24, 2021 and December 28, 2021 to correspond with the Docket Text included with the Notices of Electronic Filing for ECF Nos. 151, 152, and 156. The parties aver that this is the second stipulation for an extension of time with respect to these Reply Briefs, and this request is made in good faith and not for purposes of delay.

IT IS HEREBY STIPULATED AND AGREED as follows:

- (1) Sam's West's Reply Brief in support of their Motion for Summary Judgment [ECF No. 136] shall be due **December 28, 2021**;
- (2) Plaintiff's Reply Brief in Support of Motion to Strike Defendant's Expert Neal L. Benowitz, M.D. [ECF No. 138] shall be due **December 24, 2021**;
- (3) Plaintiff's Reply Brief in support of her Motion for Summary Judgment [ECF No. 139] shall be due **December 24, 2021**.

IT IS SO AGREED AND STIPULATED.

Dated: December 17, 2021

PHILLIPS, SPALLAS & ANGSTADT LLC

/s/ Alyce W. Foshee

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Attorneys for Sam's West, Inc.

Dated: December 17, 2021

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/s/ Ross Moynihan

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Attorneys for Plaintiff Devra Haney-Williams

IT IS SO ORDERED.

Dated: December 17, 2021

MORRISON MAHONEY LLP

/s/ Arthur J. Liederman

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Hon. James C. Mahan

UNITED STATES DISTRICT JUDGE

DATE: December 20, 2021

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of DECEMBER 2021, I served a true and correct copy of the foregoing, **STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO FILE REPLY BRIEFS TO ALL PENDING MOTIONS [ECF NOS. 136, 138, 139]**, as follows:

- ☐ By facsimile addressed to the following counsel of record, at the address listed below;
- ☐ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☐ By Hand Delivery (ROC); and/or
- ☒ By Electronic Service through CM/ECF to:

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